

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
**GLORIA D. WISEMAN**

Plaintiff,

~ against ~

**ING GROEP, N.V., VOYA FINANCIAL; and  
RELIASTAR LIFE INSURANCE COMPANY  
OF NEW YORK;**

Defendants  
-----X

Civil Action No. 1:16-CV-07587

**Affirmation of Baruch S. Gottesman, Esq.**

**AFFIRMATION IN SUPPORT BY BARUCH S. GOTTESMAN, ESQ.  
OF THE MEMORANDUM OF LAW IN OPPOSITION TO  
DEFENDANTS VOYA FINANCIAL, INC. AND  
RELIASTAR LIFE INSURANCE COMPANY OF NEW YORK'S  
MOTION TO DISMISS**

**BARUCH S. GOTTESMAN, ESQ.**, an attorney duly admitted to practice in the this Court and counsel for Plaintiff in this matter affirms the following upon information and belief.

1. The Memorandum of Law in Opposition to Defendants Voya Financial, Inc. and ReliaStar Life Insurance Company of New York's Motion to Dismiss cites the case of: *Tetelbaum v. Traveler's Companies, Inc.*, Index #12-21101, 2013 N.Y. Slip. Op. 32961 (S.Ct. Suffolk Co. Aug. 22, 2013) (Mayer, Justice Peter H.) (U).

2. After diligent review, the undersigned was unable to find this decision in either Westlaw and LEXIS, and therefore as a courtesy to counsel and this Court, enclosed please find as Exhibit A a full copy of the decision, which is also available online at

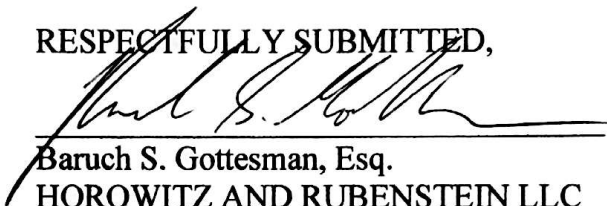
[http://scholar.google.com/scholar\\_case?case=7068226038624880061](http://scholar.google.com/scholar_case?case=7068226038624880061) (last checked Feb. 6, 2017).

The original decision can also be downloaded from <http://cases.justia.com/new-york/other-courts/2013-ny-slip-op-32961-u.pdf> (last checked February 6, 2017).

AT: Fresh Meadows, NY

Date: February 6, 2017

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "Baruch S. Gottesman", is written over a horizontal line.

Baruch S. Gottesman, Esq.  
HOROWITZ AND RUBENSTEIN LLC  
185-12 Union Turnpike  
Fresh Meadows, NY 11366  
*Attorney for Plaintiff*